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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,027	03/25/2004	Gary Hunsinger	303086.3010121	7782
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HISCOCK & BARCLAY, LLP 2000 HSBC PLAZA ROCHESTER, NY 14604-2404				
EXAMINER PHAM, MINH CHAU THI				
ART UNIT		PAPER NUMBER		
1724				
DATE MAILED: 04/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,027

Applicant(s)

HUNSINGER, GARY

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Avery (6,610,116 B1).

Avery teaches an air cleaner (10) comprising a lower retaining segment (18), an upper retaining segment (12), a filtration member (20), wherein the lower retaining segment (18) having an air cleaner (22) coupling means (52) for coupling air cleaner (22) to the lower retaining means (18). Avery further teaches a threaded portion (75) to removably attach the portions together (see 75 in Fig. 4). Avery also teaches lower retaining segment (18) and the air cleaner portion (22) can be attached together via threads (see col. 7, lines 48-52, col. 11, lines 37-48), or both sections can be permanently attached to one another and the whole air cleaner unit can be disposable (see col. 7, lines 54-57, col. 11, lines 31-36), and made of the same material (col. 11, lines 19-20). Avery also teaches gripping means (71, col. 8, lines 45-52) to facilitate maneuver of the air cleaner unit.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Raszkowski et al (6,447,565 B1).

Raszkowski et al teach an air cleaner (20) comprising a lower retaining segment (22), an upper retaining segment (24), a filtration member (18), wherein the lower retaining segment (22) having an air cleaner coupling means (34) for coupling air cleaner to the housing (24). Raszkowski et al further teach a threaded portion to removably attach the portions together (see detailed Fig. 2). Raszkowski also teaches gripping means (66 in Fig. 3 and Fig. 1) to facilitate maneuver of the air cleaner unit.

Response to Amendment

Applicant's arguments filed on February 21, 2006 have been fully considered but they are not persuasive.

Applicant argues that none of the cited prior arts discloses a fully disposable filter cartridge with no removable parts. The Examiner now drops all the cited prior arts and newly introduces Avery (6,610,116 B1) as the primary reference to show an air cleaner (10) comprising a lower retaining segment (18), an upper retaining segment (12), a filtration member (20), wherein the lower retaining segment (18) having an air cleaner (22) coupling means (52) for coupling air cleaner (22) to the lower retaining means (18), as claimed. Avery further teaches a threaded portion (75) to removably attach the portions together (see 75 in Fig. 4), as claimed. Avery also teaches lower retaining segment (18) and the air cleaner portion (22) can be attached together via threads (see

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col. 7, lines 48-52, col. 11, lines 37-48), or both sections can be permanently attached to one another and the whole air cleaner unit can be disposable (see col. 7, lines 54-57, col. 11, lines 31-36), and made of the same material (col. 11, lines 19-20), as claimed. Avery also teaches gripping means (71, col. 8, lines 45-52) to facilitate maneuver of the air cleaner unit, as claimed. The Examiner also newly introduces Raszkowski et al (6,447,565 B1) to show an air cleaner (20) comprising a lower retaining segment (22), an upper retaining segment (24), a filtration member (18), wherein the lower retaining segment (22) having an air cleaner coupling means (34) for coupling air cleaner to the housing (24), as claimed. Raszkowski et al further teach a threaded portion to removably attach the portions together (see detailed Fig. 2), as claimed. Raszkowski also teaches gripping means (66 in Fig. 3 and Fig. 1) to facilitate maneuver of the air cleaner unit, as claimed.

Applicant's arguments with respect to claims 1-8 and 10-20 have been thoroughly considered but are moot in view of the new ground(s) of rejections, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Minh-Chau Pham', written in a cursive style.

Minh-Chau Pham
Patent Examiner
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April 21, 2006